
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

DR. DANIEL P. WIRT,

Plaintiff,

v.

JOHN DOES aka @DEUS_ABSCONDIS,

Defendant.

**ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO
TIMELY SERVE DEFENDANT**

Case No. 4:21-cv-00005-DN-PK

District Judge David Nuffer

Under FED. R. CIV. P. 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . on its own after notice to the plaintiff . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” “[P]roof of service must be made to the court.”¹

Over 90 days have passed since Plaintiff filed its Complaint on January 14, 2021,² and Plaintiff has not filed proof that Defendant has been served with the Complaint. And although exceptions to the 90-day limitation exist,³ it is unclear whether any such exception applies in this case. Therefore,

IT IS HEREBY ORDERED that by no later than Tuesday July 20, 2021, Plaintiff must either: (i) file proof that Defendant has been served with the Complaint; or (ii) file a responsive brief, no more than five pages in length, showing cause as to why the Complaint should not be dismissed for failure to timely serve Defendant. Failure to file a proof or service or responsive

¹ FED. R. CIV. P. 4(l)(1).

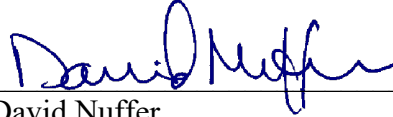
² Complaint, [docket no. 2](#), filed Jan. 14, 2021.

³ FED. R. CIV. P. 4(m).

brief by Tuesday July 20, 2021, will result in the dismissal without prejudice of Plaintiff's Complaint without further notice.

Signed July 7, 2021.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
United States District Judge